

WATER PERMIT NO. 7209-3

Name of Applicant: Ron Walker

Address: 30170 191st St, Onida SD 57564

Phone: 605 264-5430

Amount of Water Claimed: ~~0.12~~ cfs
0.06

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial use

County: Potter

Type of Waste Disposal System:

Location: 7 miles west of Gettysburg

PRIORITY

Date Received: 8-3-2010

Application/License Fee: \$700

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: Cattle feedlot operation

Diversion Point: NW ¼ SW ¼ Sec 23-T118N-
R77W

Land to be Irrigated: NA

Depth of Well: 2340 feet deep

Well Driller: Stretch's Well Service Inc.

Remarks:

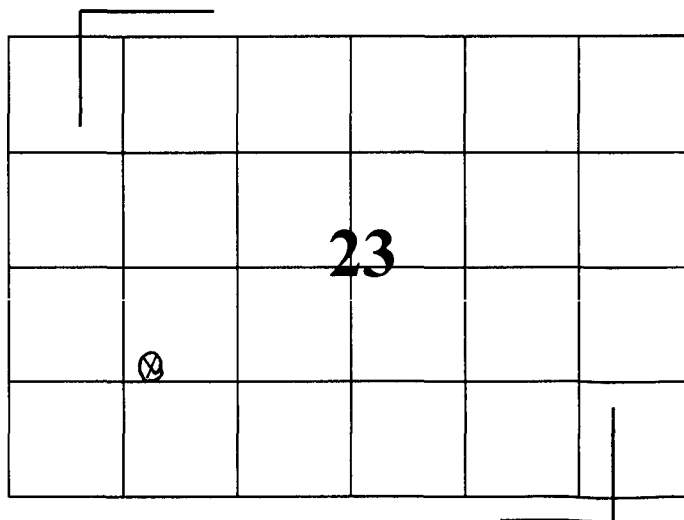
Type of Map: topo

Prepared by: Gregory G Grabs, PE

Reviewed and the Number Assigned on: 8-3-2010

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



originally received 8/3/10

RECEIVED

OCT 19 2010

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>7209-3</u>	Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Potter County News</u>	

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

- | | | | |
|---|---|--|--|
| ☐ Municipal | ☐ Suburban Housing | ☐ Recreational | ☐ Institutional |
| ☐ Rural Water System | ☐ Commercial | ☐ Fish & Wildlife | ☐ Geothermal Heat |
| ☐ Domestic (over 18 gpm) | ☐ Industrial | ☐ Other | |

Type of Application:

(check one)

- ☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No.
☒ Amendment/Correction to Permit No. Unknown

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

One well is added to the application and the other well diversion rate is corrected.

- Name of Applicant Ron Walker Phone 605-264-5430
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 30170 191st Street Onida SD 57564
(Address) (City) (State) (Zip Code)
- Amount of water claimed 0.06 *CFS or 27 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply 2 Wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Potter
2 Wells in NW 1/4, SW 1/4, Section 23, T 118 N, R 77 W
- County or counties where water will be used Potter
- Annual period during which water is to be used Year round Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
Application for two wells to serve part of the needs for 5,500 head beef feedlot. The well drilled in 2008 is reduced to 15 GPM with a valve and the well drilled in 1968 supplies 12 GPM for a total of 27 GPM. Rural Water will supplement the additional livestock needs.

STATE OF SOUTH DAKOTA)

County of Potter)

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

I, Ron Walker, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature

Ron WalkerSubscribed and sworn to before me this 15th day of October 20 10

SHARON M. METZINGER
My Commission Expires Dec. 13, 2010

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7209-3**

Date of first receipt of application August 3, 2010.

Date of receipt of amended application October 19, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7209-3 to Ron Walker, 30170 191st St, Onida SD 57564 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7209-3 appropriates a combined diversion of 0.04 cubic feet of water per second (18 gallons per minute) from two wells completed into the Inyan Kara Aquifer (2340 feet deep) located in NW ¼ SW ¼ and NE ¼ SW ¼ Section 23-T118N-R77W.
2. The water appropriated shall be used for the purpose of commercial use in a cattle feedlot operation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 7209-3 is January 3, 2011.
5. The date from which applicant may claim right is October 19, 2010.
6. One-fifth of the construction is to be completed on or before July 3, 2013.
7. All construction is to be completed on or before January 3, 2016.
8. Water is to be put to beneficial use on or before January 3, 2020.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

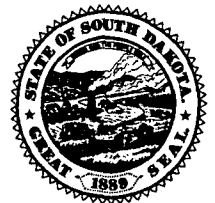
QUALIFICATIONS

1. The wells shall be equipped with a permanent flow reducer to limit the combined diversion from the two wells to 18 gpm. In addition, the wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If either well is abandoned or the Permit cancelled, that well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
2. Permit No. 7209-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 7209-3 is subject to compliance with all existing and applicable Water management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

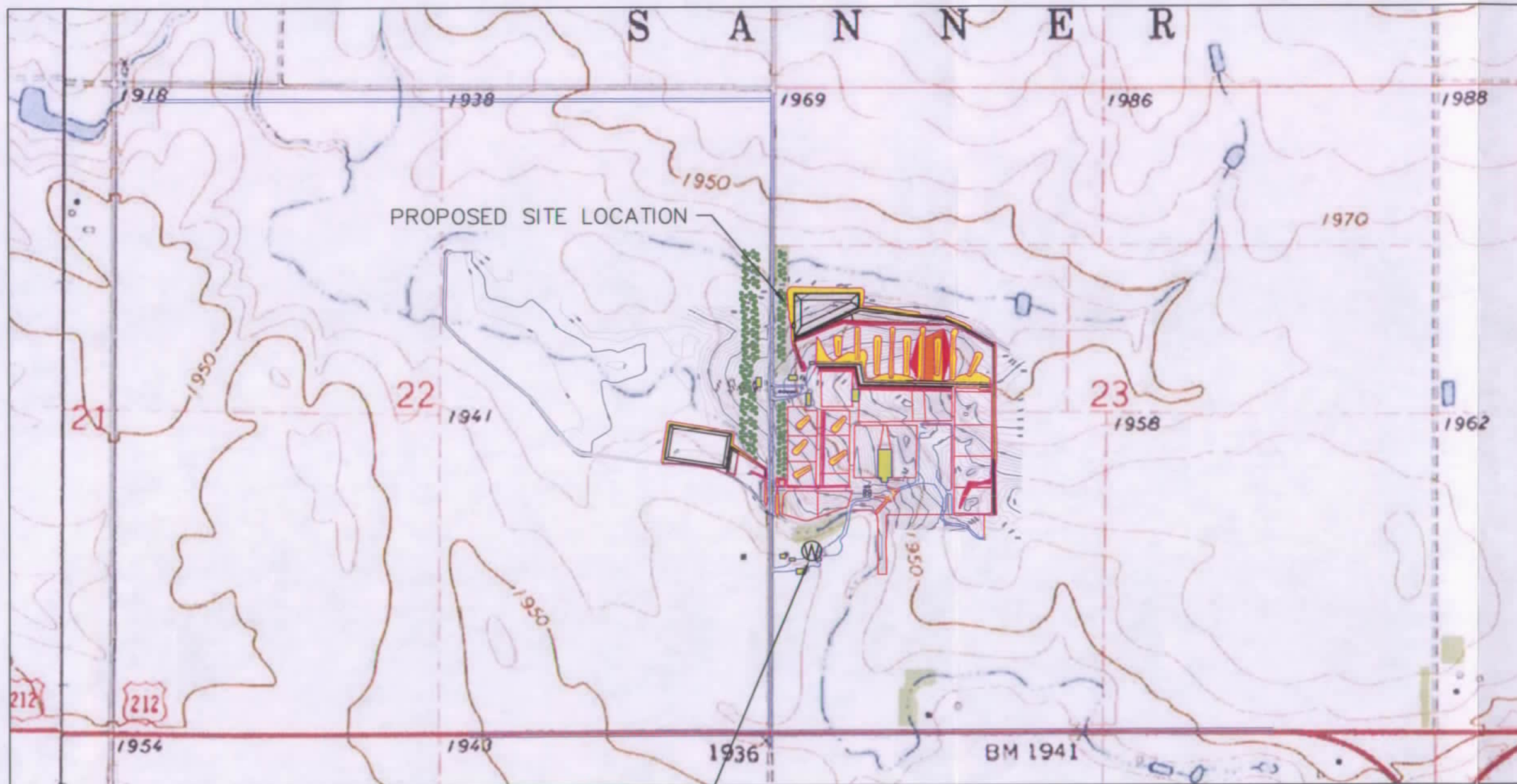
MAR 03 2011
date



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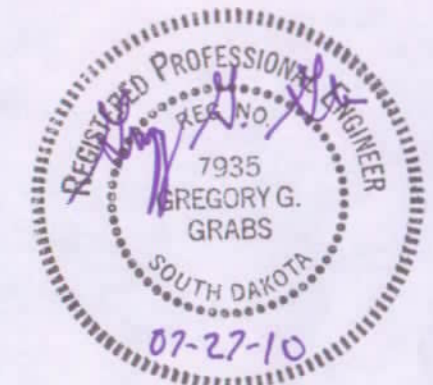
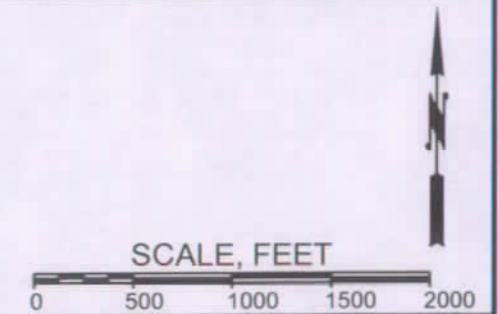
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WELL LOCATED APPROXIMATELY
1,525' NORTH & 335' EAST OF
THE SW SECTION CORNER OF
SECTION 23, T 118 N, R 77 W,
POTTER COUNTY, SOUTH DAKOTA

GENERAL NOTES



DeHaan, Grabs & Associates, LLC
Registration Number: C-1341

No.	Revision/Issue	Date

**DeHaan, Grabs
& Associates, LLC**
Consulting Engineers
PO Box 522, Mandan, ND 58554
(701) 663-1116, FAX: (701) 667-1356
www.dgaengineering.com

POTTER COUNTY
FEEDERS

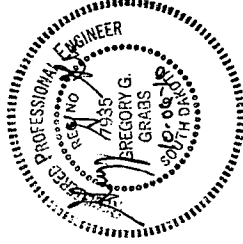
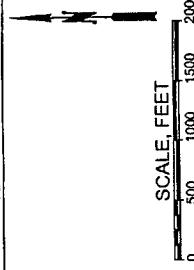
E 1/2, SECTION 22, & W 1/2, SECTION 23
T 118 N, R 77 W, POTTER COUNTY, SD

WELL LOCATION USGS MAP

DATE: JULY 27, 2010	SHEET: 4
SCALE: 1" = 1,000'	
DRAWN BY: CAS	
CHECKED BY: NAP	

FILE NAME: SD PROJECT FILES/DEEF/BEBO/CFILES/PLAN

GENERAL NOTES



DeHaan, Grabs & Associates, LLC
Registration Number: C-1341

No.	Revision/Issue	Date
1	TWO WELLS	10/6/10

DeHaan, Grabs & Associates, LLC
Consulting Engineers
PO Box 522, Menard, ND 58554
(701) 653-1116, FAX: (701) 657-1356
www.dgaengineering.com

POTTER COUNTY FEEDERS

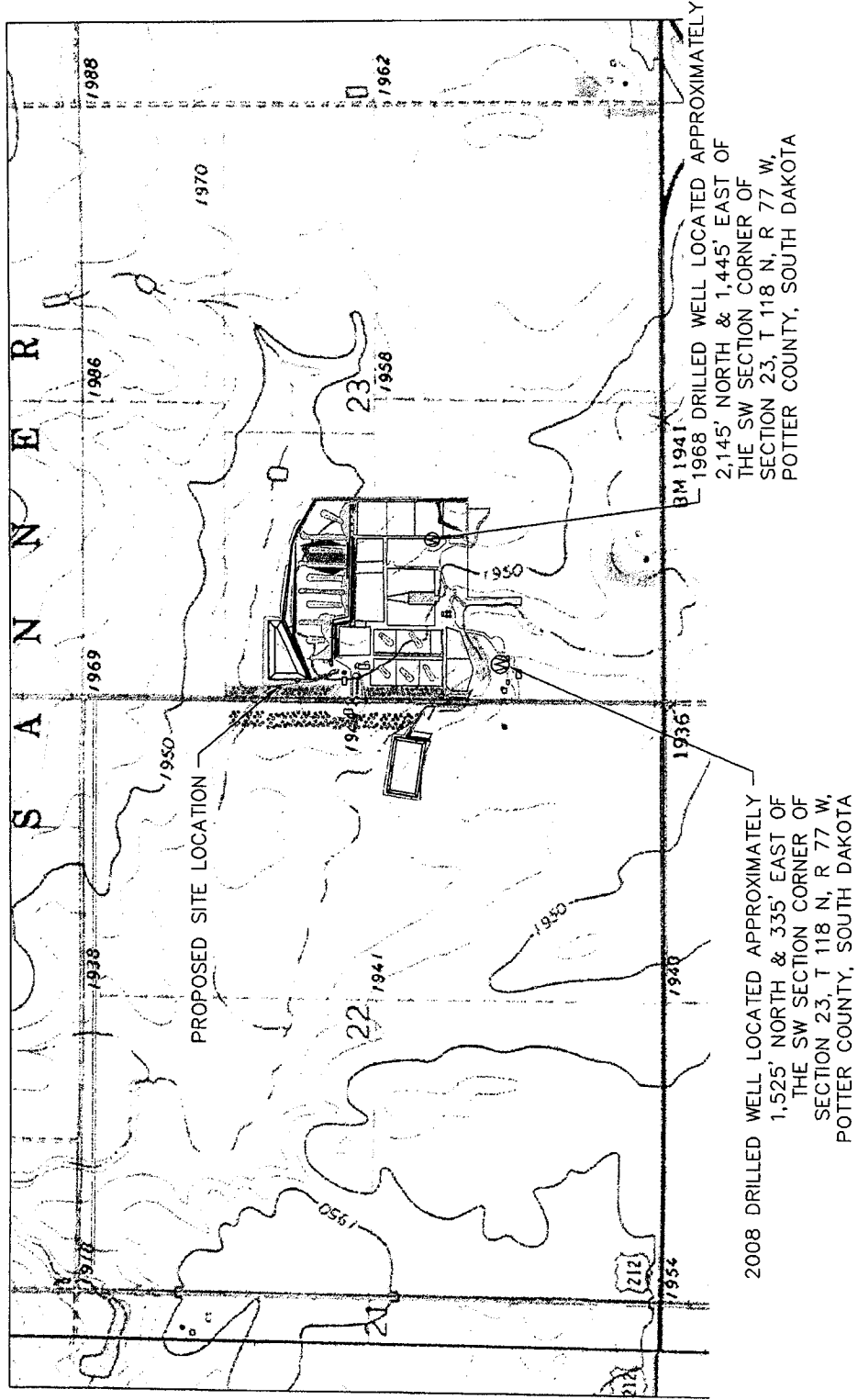
E 1/2, SECTION 22, & W 1/2, SECTION 23
T 118 N, R 77 W, POTTER COUNTY, SD

WELL LOCATION USGS MAP

DATE: JULY 27, 2010
SCALE: 1" = 1,000'
DRAWN BY: CAS
CHECKED BY: NAP

SHEET: 3

FILE NAME: SD PROJECT FILES/FEED/FEED/0725/PLAN

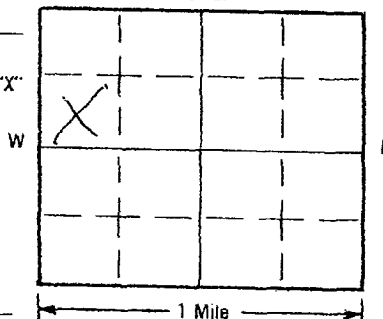


SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location S-W 1/4 NW 1/4 Sec 23 Twp 118 Rg 77County Potter

Please mark well location with an "X"



Well Completion Date

11-12-08

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.): 500 ft. from lot (identify source).

PROPOSED USE:

☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Mud RotaryCASING DATA: ☐ Steel ☒ Plastic ☒ OtherIf other describe K Copper

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>250 LB/FT</u>	<u>5 IN</u>	<u>0 FT</u>	<u>300 FT</u>	<u>7 7/8 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>50</u>	<u>15 lb./gal</u>	<u>0 ft</u>	<u>300 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pumped Through 5"SCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 2 IN Length 240 FEETMaterial K CopperSlot Size 3/8 Set From 2100 Feet to 2340 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? RubberDescribe packer(s) and location? above Pers.

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: _____

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis

Well Flushed with Chlorinated waterWell Owner: Ron WalkerBusiness Name: Potter Co. Feed YardAddress: 16344 303rd AveGettysburg SD 57442

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>yellow Gravel</u>	<u>15</u>	<u>20</u>
<u>Blue Clay</u>	<u>20</u>	<u>55</u>
<u>Shale</u>	<u>55</u>	<u>1665</u>
<u>Dakota</u>	<u>1665</u>	<u>1765</u>
<u>Lakota</u>	<u>1865</u>	<u>1930</u>
<u>Sundance</u>	<u>2105</u>	<u>2340</u>

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure 60 PSIGPM flow 50 through 2" inch pipeControlled by ☒ Valve ☐ Reducers ☐ Other _____Reduced Flowrate 15 GPMCan well be completely shut in? YES

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface _____

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

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NOV 18 2008

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And this report is true and accurate.

Drilling firm Stretch's Well Service Inc.

Signature of License Representative:

Tom Buthman

Signature of Well Owner or Equitable Property Holder:

Date: 11-12-08

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/3/, 20 10

RECEIVED OF Ronald L. Walker Potter County Feeders 30170 191st St Onida SD 57564

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>7209-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7209-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	700 00

No. **04596**

By Harold Erbe
Chief Engineer



**DeHaan, Grabs
& Associates, LLC**
Consulting Engineers
www.dgaengineering.com

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WATER RIGHTS
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SD Dept. of Natural Resources
Water Rights Program
523 East Capital
Pierre, SD 57501-3181
Attention Eric Gronlund

July 27, 2010

Dear Eric:

I have enclosed one copy of the *Application For Permit To Appropriate Water Within The State Of South Dakota*. The application is for Potter County Feeders located in Potter County, SD.

This Application is for Section 23, T 118 N, R 77 W, Potter County, SD.

Please review and process the enclosed documents accordingly.

Sincerely,

Greg G. Grabs, PE
Vice-President

Enclosures

cc: Ron Walker

North Dakota Office

P.O. Box 522
Mandan, ND 58554-0522
(701) 663-1116
Fax (701) 667-1356

Nebraska Office

4727 N. 26th St. Suite A
Lincoln, NE 68521-4706
(402) 742-4976
Fax (402) 742-4977

Gronlund, Eric

From: Gronlund, Eric
Sent: Tuesday, October 19, 2010 9:35 AM
To: Nathan Pesta
Subject: Ron Walker water permit application in Potter County SD
Mr. Pesta:

The Water Rights Program received the amended application to include a second well on Mr. Walker's application. The amended application will need to include a map showing the location of both wells in reference to a section corner. The map must be signed by a professional engineer or registered land surveyor. Also, no information was provided on the 1968 well. Is the attached log from a well drilled in 1968 in this same section for the same well currently being used by Mr. Walker?

Eric Gronlund
Water Rights Program, DENR
Phone: (605) 773-3352
Fax: (605) 773-4068
Email: eric.gronlund@state.sd.us
Web: www.denr.sd.gov



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 27, 2010

Greg Grabs & Nathan Pesta
DeHaan, Grabs & Associates
PO Box 522
Mandan ND 58554-0522

Subject: Amended water permit application for Ron Walker's Potter County Feeders in
Potter County

Dear Mr. Grabs and Mr. Pesta:

The Water Rights Program of DENR received the amended application to include a second well on Mr. Walker's water permit application in Potter County. Originally, a water permit application was filed on August 3, 2010 for a well drill in 2008. It is our understanding that the well drilled in 1968 is also to be used at the beef feedlot.

The amended application will need to include a map showing the location of both wells in reference to a section corner. The current map only shows the location of one of the wells. The map will need to be signed by a professional engineer or registered land surveyor.

Also, no information was provided with the amended application regarding the 1968 well. Is the attached log from a well drilled in 1968 in this same section for the same well to be used by Mr. Walker?

I sent an email to Mr. Pesta on October 19th. I may have a wrong email address since I did not receive a response. Therefore I am following up with this letter. Please contact me if you have any questions.

Sincerely,

COPY

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosure

Approval of a Change of Diversion Point

NAME: Ron Walker

ADDRESS: 30170 191st Street, Onida SD 57564

DATE: February 11, 2011 **COUNTY:** Potter **TELEPHONE:** 605 264-5430

BACKGROUND:

Water Permit No. 2619-2 was approved January 3, 2011 appropriating 0.04 cubic feet of water per second (18 gpm) from two existing wells completed into the Inyan Kara Aquifer to be located in the NW 1/4 SW 1/4 Section 23, T118N, R77W. The water is for use in the cattle feeding operation.

Upon issuing of the water permit it was determined that one of the two wells was actually located in the NE 1/4 SW 1/4 of Section 27. The application's map correctly identified the location but the application form stated both wells were location in the NW 1/4 SW 1/4 of Section 27. The well is approximately 200 feet east of the quarter-quarter line between the NW 1/4 SW 1/4 and NE 1/4 SW 1/4. See attached map.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source authorized by Water Permit No. 7209-3 is the Inyan Kara Aquifer. These are existing wells and there is no change in the proposed depth or water source as when the application was reviewed in August 2010.

No additional appropriation of water is authorized. The water permit is limited to an appropriation of 0.04 cfs based on the type of well construction that limits the use to domestic use of 18 gpm. Therefore, no additional water will be appropriated by the change in the well location.

- **Review of Existing Diversions**

The report prepared by Hayes Haas in August 2010 remains valid. It found:

The well log database found nine domestic/stock wells completed into the Inyan Kara within five miles of Walker's wells. In addition to Walker's permit, there are four water rights in Potter County using the Inyan Kara Aquifer. Three of those water rights are from seven to nine miles west of Walker's wells and one is 14 miles to the north of the Walker location. The report concluded that the aquifer is under confined conditions at this location and drawdown may result but the interference is not expected to be a problem.

CONCLUSION

- The change in the well location does not appropriate additional water. While the wells may be able to produce greater than 18 gpm, the permit limits the combined diversion to 18 gpm.
- The well is completed into the Inyan Kara Aquifer.
- Interference is not expected to be a concern.
- Existing domestic wells should not be adversely impacted by authorizing this change.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the change of diversion point be authorized under Water Permit No. 7209-3.

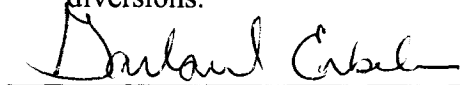


Eric Gronlund

Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change of diversion point does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer

Water Rights Program





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7209-3, Ron Walker**

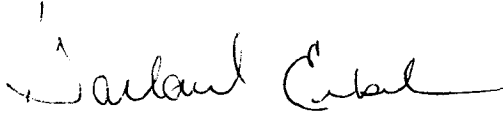
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7209-3, Ron Walker 30170 191st Street, Onida SD 57564.

The Chief Engineer is recommending APPROVAL of Application No. 7209-3 for a maximum combined diversion rate from the two wells of 0.04 cubic feet of water per second (18 gallons per minute) because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, 4) the use of water for confined animal feeding operation is in the public interest, however, it is not in the public interest to issue the permit for more than 18 gallons per minute since the type of well construction limits the use to domestic use of 18 gallons per minute or less. The recommendation for approval includes the following qualifications:

1. The wells shall be equipped with a permanent flow reducer to limit the combined diversion from the two wells to 18 gpm. In addition, the wells approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If either well is abandoned or the Permit cancelled, that well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
2. Permit No. 7209-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 7209-3 is subject to compliance with all existing and applicable Water management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

(continued)

See report on application for additional information.

A handwritten signature in black ink, appearing to read "Garland Erbele". The signature is fluid and cursive, with the first name "Garland" written in a larger, more prominent script than the last name "Erbele".

Garland Erbele, Chief Engineer
December 8, 2010

NOTE: At such time that a well is drilled for this facility that meets well construction standards for commercial use, a water permit application can be filed for a diversion rate that exceeds the domestic use criteria of 18 gpm.

**Report on Water Permit Application No. 7209-3
for Ron Walker
August 10, 2010**

Application No. 7209-3 proposes to appropriate 27 gallons per minute (0.06 cfs) from two wells approximately 2,218-2,340 feet deep located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, T118N R77W in Potter County. The water is to be for commercial use in an existing 4,300 head cattle feedlot that is expanding to 5,500 head in Section 23 in T118N R77W. The annual period during which water would be used is January 1 through December 31.

Information submitted with the application indicates that the wells were constructed in accordance with ARSD 74:02:04:36, otherwise known as "slim hole" well construction, which is a less expensive well construction method that does not require the casing to be grouted from the top of the aquifer to the ground surface. This method of construction is allowable for private and reasonable domestic use and for noncommercial livestock watering.

AQUIFER: Inyan Kara Aquifer

WATER AVAILABILITY

Aquifer Characteristics:

The Inyan Kara aquifer is a bedrock aquifer consisting of fine to medium grained sandstone containing beds of shale and siltstone (Kume, 1987). The aquifer underlies 898 square miles and contains an estimated 7.5 million acre feet of water in storage in Potter County (Hedges, 1982). The aquifer is extensive throughout much of western South Dakota and extends into Nebraska, Wyoming and North Dakota. The aquifer is under confined conditions at this site and is estimated to be over two hundred feet thick in this area (Gries, 1981).

The Inyan Kara group in north central South Dakota has often been erroneously termed the Sundance Formation. Local terminology by well drillers perpetuates this misnomer (Hedges, 1982). For this report, the Sundance and Inyan Kara formations will be considered as a single aquifer.

The Inyan Kara is recharged by upward leakage from the underlying Minnelusa and Madison aquifers (Kume, 1987). The potentiometric surface of the Inyan Kara has probably declined 150 to 300 feet since the development of these bedrock aquifers began in the 1880's (Hamilton, 1986).

The well completion report filed with the application indicates that the "Sundance" was encountered at 2,105 feet below land surface and continued to a depth of 2,340 feet. The completed well had a closed in pressure of 60 psi and was capable of free flowing at 50 gpm.

Observation Well Data:

The nearest Water Rights Program observation well is located over 70 miles northeast of this site. Water levels for this well are probably not relevant for the location of this application. The hydrograph for this well is not included with this report since it is not relevant in this case.

Review of Existing Water Permits/Rights/Water Use:

Three of the four permits in Potter County with Inyan Kara wells are located from seven to just over nine miles west of this application location, the fourth is located approximately 14 miles north. Interference is not a concern since these are relatively low yield wells and pumping at this rate and distance should not create significant drawdown. The Water Rights Program has records for nine domestic/stock wells completed into the Inyan Kara within five miles of this application location and has records for approximately 65 domestic wells completed to a depth of greater than 1,900 feet.

Conclusions:

1. These wells do not meet SD Well Construction Standards for their intended use. In order for these wells to be completed in accordance with South Dakota Well Construction Standards they would need to be grouted from the bottom of the aquifer to the land surface. The slim-hole exception in ARSD 74:02:04:36 is allowable only for private and reasonable domestic use and for noncommercial livestock watering.
2. The aquifer is under confined conditions at this location. Drawdown may result from pumping. Interference is not expected to be a problem.
3. If the wells covered by this Permit deplete the domestic supplies or interferes with prior water rights, restrictions or other arrangements may be required to protect these water supplies.
4. Water is available from the Inyan Kara aquifer.
5. Plans and specifications for the manure containment system for this facility have been submitted but have not been approved (as of 11/01/2010) by the Department.



Hayes Haas
Natural Resources Project Engineer

Bibliography:

Gries, J.P., 1981, unpublished maps prepared for the Office of Drinking Water, South Dakota Department of Water and Natural Resources for the Underground Injection Control Program.

Hamilton, L.J., 1986, Water Resources of Hughes County, South Dakota, USGS Water Resources Investigations Report 84-4195, USGS, Huron, SD 57350

Hedges, L.S. et al, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for the U.S. Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD 57069

Kume, J., 1987, Water Resources of Walworth County, South Dakota, Water Resources Investigation Report 85-4015, USGS, Huron, SD 57350

Water Rights, 2010, Unpublished Observation Well Records for Potter County, SD DENR, Division of Water Rights, Pierre, SD, 57501

RECEIVED

JAN - 5 2011

WATER RIGHTS
PROGRAM

Notice of application

NOTICE OF APPLICATION

NO. 7209-3 to Appropriate Water
Notice is given that Ron Walker, 30170 191st St, Onida, SD 57564 has filed an application for a water permit to appropriate 0.06 cubic feet of water per second from two wells completed into the Inyan Kara Aquifer (2340 feet deep) located in NW 1/4 SW 1/4 Section 23-T118N-R77W for commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7209-3 for a maximum combined diversion rate from the two wells of 0.04 cubic feet of water per second (18 gallons per minute) because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, 4) the use of water for confined animal feeding operation is in the public interest, however, it is not in the public interest to issue the permit for more than 18 gallons per minute since the type of well construction limits the use to domestic use of 18 gallons per minute or less.

In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or

contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 3, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Firner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$53.30.

-121610-122310

Affidavit of Publication

STATE OF SOUTH DAKOTA,
COUNTY OF POTTER, ss.

I, Elizabeth Rische being first duly sworn, on oath says, that she is the bookkeeper of the POTTER COUNTY NEWS, a weekly newspaper published in Gettysburg, County of Potter, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned; that the

Notice of Application, No. 7209-3

Ron Walker

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for two successive weeks, on the day of each week on which said newspaper was regularly published to-wit:

December 16th and 23rd, 2010

That the full amount of the fees for
the publication of the annexed notice is \$53.30

Elizabeth Rische

Subscribed and sworn to before me this ____ 24th ____

day of ____ December ____, 2010

Linda Meyer

Linda Meyer, Notary Public
State of South Dakota

My commission expires October 28th, 2015

LINDA LEE MEYER
Notary Public
SEAL
South Dakota



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 9, 2010

Potter County News
110 S Exene St
Gettysburg SD 57442

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7209-3 to Appropriate Water to be published twice. Please publish the first notice on December 16, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Ron Walker, 30170 191st St., Onida SD 57564 (Ph # 605-264-5430).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 7209-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of December 9, 2010 enclosing Notice to Appropriate Water by Application No. 7209-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

December 9, 2010

Ron Walker
30170 191st St
Onida SD 57564

Dear Mr. Walker:

Water Permit Application No. 7209-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Potter County News printed at Gettysburg SD (Ph # 605-765-2464). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

cc: Greg Grabs, PE DeHaan Grabs & Associates LLC, PO Box 522, Mandan ND, 58554
enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on December 16, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7209-3 to Appropriate Water

Notice is given that Ron Walker, 30170 191st St, Onida SD 57564 has filed an application for a water permit to appropriate 0.06 cubic feet of water per second from two wells completed into the Inyan Kara Aquifer (2340 feet deep) located in NW ¼ SW ¼ Section 23-T118N-R77W for commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7209-3 for a maximum combined diversion rate from the two wells of 0.04 cubic feet of water per second (18 gallons per minute) because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, 4) the use of water for confined animal feeding operation is in the public interest, however, it is not in the public interest to issue the permit for more than 18 gallons per minute since the type of well construction limits the use to domestic use of 18 gallons per minute or less.

In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 3, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

MAR 03 2011

Ron Walker
30170 191st St
Onida SD 57564

Dear Mr. Walker:

Enclosed is Water Permit No. 7209-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

As stated in the water permit, the combined diversion rate from the two wells may not exceed 18 gallons per minute and the wells must be equipped with permanent flow reducers to limit diversion to this amount.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *?Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

7209-3
RECEIVED

MAR 10 2011

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 3-5-2011TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Ron Walker

(name)

30170 191 st

(address)

ON. D. S. D 57564

(city, state, zip)

605-280-7794

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7209-3 states that the water use system is to be constructed by12-30-10

(date)

, and water is to be put to beneficial use by

12-30-10

(date)

The water use system was completed on 12-30-10

(date)

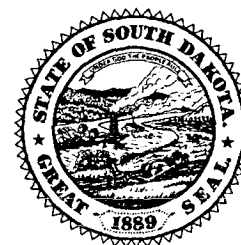
Applying the water to beneficial use was completed on 12-30-10

(date)

You may schedule an investigation so that the water license may be issued.

[Signature]

(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 14, 2011

7209-3

Ron Walker
30170 191st St
Onida SD 57564

Dear Mr. Walker:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

JAN 22 2013

WATER RIGHTS
PROGRAM

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 7209-3

Date: 1/17/2013

I/We request that Water Permit No. 7209-3

formerly owned by: Ron Walker

be transferred to: (name & address) Paul Oberlitner 16731 318 Ave Lebanon, SD 57455

Telephone 605-765-9672

Title to the following described land(s)/property has been transferred as described above:

Well locations- N1/2 SW ¼ Section 23, T118N,R77W

I/We understand that the validity of Water Permit No. 7209-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Paul Oberlitner, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture- no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/22, 20 13

RECEIVED OF Paul Oberlitner 16731 318th Ave Lebanon SD 57455

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>7209-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **0598**

By

Amel E. Eshel
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 24, 2013

7209-3

Paul Oberlitner
16731 318th Ave
Lebanon SD 57455

Dear Mr. Oberlitner:

I am writing to acknowledge receipt of the transfer of ownership form and filing fee you submitted for changing ownership on Water Permit No. 7209-3.

The ownership change has been completed. Water Permit No. 7209-3 formerly held by Ron Walker is now listed in your name.

Enclosed for your records is Receipt No. 05988 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

Water Permit No. 7209-3
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **March 22, 2016**, made a thorough examination of the water use system constructed by **Paul Oberlitner** of **16731 318th Ave., Lebanon, SD 57455** holder of Permit No. **7209-3**, bearing the priority of **October 19, 2010** authorizing the diversion of **0.04** cu. ft. per second of water from the **Inyan Kara Aquifer** for **Commercial** purposes, in **Potter** County.

Inspection contact & relationship to permit holder, if applicable: **Paul Oberlitner (765-9672, 769-1880 cell)**

A. Works used to divert the water:

Well 1:

- 1) Well Drilling Firm: **Stretch's Well Service**
- 2) No. of Wells **1**
- 3) Depth(s) **2,340** feet
- 4) Well log is available **Y**
- 5) Comment:

Casing:

- 1) Diameter **5** inches
- 2) Length **300** feet
- 3) Type **Copper**

Screen:

- 1) Type **Copper**
- 2) Length **240** feet
- 3) Static water level **Flowing**

Well 2:

- 1) Well Drilling Firm: **Independent Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **2,218** feet
- 4) Well log is available **Y**
- 5) Comment:

Casing:

- 1) Diameter **5** inches
- 2) Length **203** feet
- 3) Type **Steel**

Screen:

- 1) Type **Copper**
- 2) Length **2,218** feet
- 3) Static water level **Flowing**

B. Works used to transport water to place of use:

- 1) Type **Buried pipe**

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Well 1:

Approximately 1,490 feet north and 365 feet east of the SW corner of Section 23-T118N-R77W

(N 45.01794, W -100.10201) (NW ¼ SW ¼)

Well 2:

Approximately 2,070 feet north and 1,445 feet east of the SW corner of Section 23-T118N-R77W

(N 45.01955, W -100.09784) (NE ¼ SW ¼)

The works are capable of diverting and conveying to the place of use 0.04 cu. ft. per second of water which is to be used for **Commercial use in a Cattle Feedlot Operation.**

The license should be issued for 0.04 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

The wells are valved and flow is reduced to minimal use as needed. The water distribution system is also connected to rural water to supplement additional water, or as a back-up if needed.

This facility is permitted by the DENR Feedlot Program.



Mike DeFea

Natural Resources Engineer II

DENR, Water Rights Program

Date report completed: **March 29, 2016**

Independent Drilling Co.

Aberdeen, South Dakota

7209-3

WELL REPORT

Completed well for

Louie E. Bartels

Aberdeen, S. D. Aug. 17 1968

P. O.

Depth

2218

ft.

Pumps
Flows

12

Gallons per minute

Pumped

gals. per min. for

hrs.

Clear
Sandy
Muddy
Cloudy

Pumped

gals. per min. for

hrs.

Clear
Sandy
Muddy
Cloudy

Water stands

feet from top.

Is the water hard or soft?

Soft

Well is located on

quarter Sec.

T.

R.

Moved to this place on

7, 30

1968

Started work on well

7, 31

1968

Well completed on

8, 16

1968

Left this place on

8, 17

1968

203 ft. 5" casing

pipe extending to a total depth of

5" casing

203 feet

2218 ft. 1 1/2" K copper

pipe extending to a total depth of

1 1/2" K copper

2218 feet

ft.

pipe extending to a total depth of

feet

ft.

pipe extending to a total depth of

feet

ft.

pipe extending to a total depth of

feet

Cap Rock

1282

ft.

Rock at from

feet to

feet.

Rock from

feet to

Rock from

feet to

Tubular sand from

to

feet

to

feet

perforated

160

ft. at bottom. Also

from

to

and from

to

For whom was the last well completed by this machine?

What was the date of its completion?

Explain loss of time, if any, between

completion of last well and commencement of this one

What extra charges are there against this well for pipe, fittings and supplies (please itemize)?

1 1 1/2" Brass T
 1 1 1/4" K3 Brass nipple
 1 1 x 3 " " " "
 1 1 1/4" in valve
 1 1 " " "

At whose request and by whose authority was this furnished?

Please state what casing and gasoline you have on hand after completion of this well

How much gasoline did you have on hand at commencement of this well?

How much gasoline have you received while on this well (give date and number of gallons)?

Date

Amount

gals.

Date

Amount

gals.

Date

Amount

gals.

Date

Amount

gals.

How much gasoline had you on hand at the completion of this well?

How much

gasoline did you use on this job?

How many days did engine

run on this job?

Edwin Leicht

Foreman Rig. No. 451, 2500

7209-3

Artesian Well Contract

THIS AGREEMENT, made and entered into this 22 day of July A.D., 1968
 by and between INDEPENDENT DRILLING CO. a corporation of the State of South Dakota located at Aberdeen, South
Dakota Capital Drilling Co. first party, and Louie E. Sanford P. O. Gettysburg S. Dak second party.

WITNESSETH: That the said first party agrees and contracts with the said second party, as follows:

FIRST: On or about _____ or after completing the Gettysburg, S. Dak
 well to commence work on an artesian well to be located on the N 1/2 SW quarter of section 23 Twp.
118 Range 77 said land being the property of the second party, and to prosecute the work
 thereon without unnecessary delay until said well is completed.

SECOND: To drill said well into water bearing artesian sand rock, and guarantee the well to furnish water by
 pump or natural flow.

THIRD: To case said well with 5 inch standard black steel pipe to 200 or deeper if deemed
 necessary by the first party, and with 1 1/2 Type "K" Copper inch ~~standard black steel~~ pipe from { top } into water-bearing
 sand rock. Any further drilling below the _____ inch pipe shall be cased with _____ inch pipe. The top length
 of _____ inch pipe to be galvanized.

FOURTH: Said second party to furnish sufficient space where said well is to be sunk, for all material, machinery
 and guy wires until said well is completed and machinery is removed.

FIFTH: Said second party further agrees to board the men from the time move is commenced until well is com-
 pleted and machinery removed, furnish all water for drilling said well, and provide and maintain an ample fire guard.

SIXTH: For and in consideration of the drilling and casing of said well, second party agrees to pay first party the
 sum of See below (\$ _____)

if not over 1000 feet deep and same per foot for each foot in depth below 1000 feet
 _____ to be paid in cash at completion of said well. It is further agreed that all sales

taxes upon material purchased for use in said well, which have been paid by the party of the first part, shall be paid by
 the party of the second part, in addition to the contract price above stated. Deferred payments to draw interest at
 eight per cent, to be bankably secured and due as follows:

200' - 5" API Blk - cemented in place @ 5.45 per ft.
220' - 1 1/2" Type "K" Copper in place @ 3.05

Settlement to be due and dated at completion of said well.

SEVENTH: First party guarantees the well to furnish water for the period of one year from the date of its com-

7209-3

COMPANY _____ FARM _____ WELL NO. _____
 SEC. TWP. RGE. LOC. COUNTY STATE
 CONTRACTOR _____ SIZE HOLE _____ DRILL PIPE 2 1/2"
 REMARKS: _____ SIZE PUMP LINERS 5" LENGTH STROKE 8"

move in 7.30.68

Louie E. Bartels Home Place

DATE *Start Drilling 7.31.68*

DEPTH	TIME O'CLOCK	MIN.	REMARKS	DEPTH	TIME O'CLOCK	MIN.	REMARKS
1	20-0	20	0	51	19-11	1016	7
2	20-0	40	0	52	19-11	1036	6
3	20-0	20	0	53	19-11	1056	5
4	20-0	20	0	54	19-11	1076	4
5	20-0	100	0	55	19-11	1096	3
6	20-0	120	0	56	19-11	1116	2
7	20-0	140	0	57	19-11	1136	1
8	20-0	160	0	58	19-11	1156	0
9	20-0	180	0	59	19-11	1175	11
10	20-0	200	0	60	19-11	1195	10
11	19-11	219	11	61	19-11	1215	9
12	19-11	239	10	62	19-11	1235	8
13	19-11	259	9	63	19-11	1255	7
14	19-11	279	8	64	19-11	1275	6
15	19-11	299	7	65	19-11	1295	5
16	19-11	319	6	66	19-11	1315	4
17	19-11	339	5	67	19-11	1335	3
18	19-11	359	4	68	19-11	1355	2
19	19-11	379	3	69	19-11	1375	1
20	19-11	399	2	70	19-11	1395	0
21	19-11	419	1	71	19-11	1414	11
22	19-11	439	0	72	19-11	1434	10
23	19-11	458	11	73	19-11	1454	9
24	19-11	478	10	74	19-11	1474	8
25	19-11	498	9	75	19-11	1494	7
26	19-11	518	8	76	19-11	1514	6
27	19-11	538	7	77	19-11	1534	5
28	19-11	558	6	78	19-11	1554	4
29	19-11	578	5	79	19-11	1574	3
30	19-11	598	4	80	19-11	1594	2
31	19-11	618	3	81	19-11	1614	1
32	19-11	638	2	82	19-11	1634	0
33	19-11	658	1	83	19-11	1653	11
34	19-11	678	0	84	19-11	1673	10
35	19-11	697	11	85	19-11	1693	9
36	19-11	717	10	86	19-11	1713	8
37	19-11	737	9	87	19-11	1733	7
38	19-11	757	8	88	19-11	1753	6

*Hard Rock 1155-56
Rock 1163*

Conf Rock 1202

19-8

20-2

16-8

16-7

94-2

21-9

20-10

21-8

22-5

22-2

10.8-10

94-2

203-0.5 sec

*Start Line out
off 12:30 Rock on
Bottom 2:30 start
Drilling*

SAND 1688 to 1702

*2.5 min 1725-1726
SAND 1735-1745*

7209-3

101	19	11	2012	5	
102	19	11	2032	4	Very Sandy 2085-2097
103	19	11	2052	3	Hard Rock 2097
104	19	11	2072	2	
105	19	11	2092	1	
106	19	11	2112	0	
107	10	11	2131	11	✓
108	19	11	2151	10	✓ 10.5 minutes
109	19	11	2171	9	6:30 to 10:00 AM, 3 hr, 30 min.
110	19	11	2191	8	
111	26	4	2218	0	
112					
113					
114					

2497

2218
160
2158

15
300
100
1200
730
1440
220
8640
1928
25800

2218
160
2158
2218
160
2058 top of reef

Paul Oberlitner
Water Permit No. 7209-3



0 0.125 0.25 0.5 Miles

Mike DeFea
Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
March 29, 2016



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow...Today



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

MAY 02 2016

7209-3

Paul Oberlitner
16731 318th Ave
Lebanon SD 57455

Dear Mr. Oberlitner:

Enclosed is Water License No. 7209-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7209-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7209-3**

(1) Ron Walker, Onida SD 57564 made Application No. 7209-3, October 19, 2010 for a water permit to divert 0.04 cubic feet of water per second from ground water, two wells (Inyan Kara Aquifer), Potter County, South Dakota for commercial purposes. Permit No. 7209-3, with a priority date of October 19, 2010 was approved January 3, 2011 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 3, 2016 and for the application to beneficial use of said water on or before January 3, 2020.

On January 22, 2013, Water Permit No. 7209-3 was transferred to Paul Oberlitner, Lebanon SD.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.04 cubic feet of water per second for beneficial use. The location of the diversion points are:

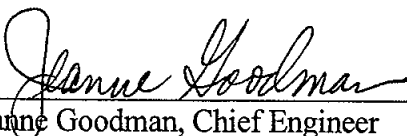
- Well No. 1: approximately 1,490' N & 365' E of the SW corner of Section 23, T118N, R77W (NW ¼ SW ¼);
- Well No. 2: approximately 2,070' N & 1,445' E of the SW corner of Section 23, T118N, R77W (NE ¼ SW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a commercial feedlot operation.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Paul Oberlitner, 16731 318th Ave., Lebanon SD 57455 the holder and/or owner of Water Right No. 7209-3 is issued a license to appropriate water, the right to use 0.04 cubic feet of water per second from ground water, two wells (Inyan Kara Aquifer) with a priority date of October 19, 2010 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7209-3 and subject to the following qualifications:

- The wells shall be equipped with a permanent flow reducer to limit the combined diversion from the two wells to 18 gpm. In addition, the wells approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If either well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
- Permit No. 7209-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
- Permit No. 7209-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions



Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

MAY 02 2016
date

